

Office of the Inspector General of the Department of Defense

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June 3, 2005

**Review of the Factual Findings and the Record of the Joint
Inquiry Into Intelligence Community Activities Before and
After the Terrorists Attacks of September 11, 2001 (U)**

Executive Summary (U)

(U) Who Should Read This Report and Why? DoD and congressional officials who are interested in accountability relating to the attacks of September 11, 2001, should read this report because it responds to the congressional request contained in the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community activities before and after the terrorist attacks of September 11, 2001.

(U) Background. In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the U.S. Intelligence Community in connection with the September 11, 2001, terrorist attacks. The final report, dated December 20, 2002, contained 5 factual findings on what the Intelligence Community knew or should have known before the terrorist attacks, 20 systemic findings identifying impediments to Intelligence Community efforts to prevent the terrorist attacks, and 19 recommendations to constructively change the Intelligence Community. Recommendation 16 is the basis for this report.

(U) Recommendation 16 of the Joint Inquiry report recommended that the Inspectors General of the Central Intelligence Agency and the Departments of Defense, Justice, and State review the factual findings and record of the Joint Inquiry and determine whether personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards for the identification, prevention, or disruption of terrorist attacks, including those of September 11, 2001. The Joint Inquiry report also recommended that the Inspectors General identify individuals who performed exceptionally and determine whether their performance was duly recognized.

(U) Our review focused on the National Security Agency, which was the only DoD organization that the Joint Inquiry cited in the factual findings. The National Security Agency produces and disseminates foreign intelligence information derived from signals intelligence.

(S//SI) Results. There was no evidence of any omission, commission, or failure by National Security Agency personnel to meet professional standards for the identification, prevention, or disruption of terrorist attacks. However, the effectiveness of the National Security Agency counterterrorism mission was limited because it was not adequately resourced. As a result, the Intelligence Community either did not receive, or did not receive in a timely manner, NSA (S//SI) 1.4(c); (S//SI) 18 U.S.C. 793; (S//SI) 50 U.S.C. 3024(i) and (j)(3) P.L. 86-36 and al-Qa'ida-related intelligence

information, including information that was related to the September 11, 2001, terrorist attacks.

We made no recommendations on the assignment of resources because the National Security Agency received substantial increases in resources for its counterterrorism mission and the Global War on Terrorism in the aftermath of September 11, 2001.

(U//~~FOUO~~) A number of National Security Agency personnel were recognized for their outstanding performance in fighting terrorism before and after the attacks of September 11, 2001; however, none were specifically cited for identifying, preventing, or disrupting terrorist attacks.

(U//~~FOUO~~) **Management Comments.** The Chief of Staff for the National Security Agency generally agreed with the overall conclusion of the report that the National Security Agency counterterrorism mission was not adequately resourced, and offered additional comments on the report's conclusions, content, and classification.

(U//~~FOUO~~) The National Security Agency was concerned with the report's conclusion that the Intelligence Community did not receive, or did not receive in a timely manner, information that was "related to the attacks on 9/11" because the National Security Agency's counterterrorism mission was inadequately resourced. The National Security Agency was concerned that this conclusion could be misconstrued to mean that it did not share information that it had about the attacks. The National Security Agency was also concerned that the report placed too much emphasis on two September 10, 2001, intercepts as evidence that resource constraints limited its counterterrorism effectiveness.

(U//~~FOUO~~) **Review Response.** Our report states that the National Security Agency did not possess any *specific* information regarding the time, place, participants, or nature of any terrorist acts including the attacks of September 11, 2001. However, the National Security Agency did possess information *related* to the attacks because it collected, but did not disseminate information regarding the hijackers that executed the September 11, 2001 attacks. We continue to believe that the two September 10, 2001, intercepts were representative of the effect that the lack of resources had on the National Security Agency mission effectiveness. See the Finding section of the report for a discussion of management comments and the Management Comments section for the complete text of management comments.

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Background (U)

(U) In February 2002, the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence agreed to conduct a Joint Inquiry into the activities of the U.S. Intelligence Community in connection with the September 11, 2001, (9/11) terrorist attacks. The three principal goals of the Joint Inquiry were to conduct a factual review of what the Intelligence Community knew or should have known about the international terrorist threat to the United States before 9/11; identify and examine systemic problems that impeded the Intelligence Community from learning of the attacks in advance; and recommend improvements that would increase the Intelligence Community's ability to identify and prevent future international terrorist attacks.

(U) The Senate and the House of Representatives approved and filed the final report of the "Joint Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001" on December 20, 2002. The final report contained highly classified and special access program information. On July 24, 2003, an unclassified version of the final report was released to the public.

(U) The final report contained 5 factual findings regarding what the Intelligence Community knew or should have known before the terrorist attacks, as well as 20 systemic findings identifying impediments to Intelligence Community efforts to prevent the terrorist attacks. The final report also contained 19 recommendations by the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence to constructively change the Intelligence Community. Recommendation 16 was the basis for this review.

(U) Recommendation 16 states that "assured standards of accountability are critical to developing the personal responsibility, urgency, and diligence which our counterterrorism responsibility requires." Citing the Intelligence Community's absence of effort to impose accountability for the events of September 11, 2001, the Committees recommended that the Inspectors General of the Central Intelligence Agency and the Departments of Defense, Justice, and State review the factual findings and record of the Joint Inquiry and conduct reviews and investigations to determine whether personnel at all levels should be held accountable for any omission, commission, or failure to meet professional standards for the identification, prevention, or disruption of terrorist attacks including those of September 11, 2001. Conversely, the recommendation tasks the Inspectors General with identifying individuals who performed exceptionally and determining whether their performances were duly recognized.

Objectives (U)

(U//FOUO) Consistent with Joint Inquiry Recommendation 16, the review had two objectives. The first objective was to determine whether DoD personnel failed to meet professional standards for the identification, prevention, or disruption of terrorist attacks including those of 9/11. The second objective was to identify DoD personnel who performed exceptionally and to determine whether their performance was duly recognized. Our review focused on the National Security Agency (NSA), the only DoD organization cited in the factual findings by the Joint Inquiry. The review was limited because access to the complete record of the Joint Inquiry was delayed, restricted, or not realized. See Appendix A for specific details.

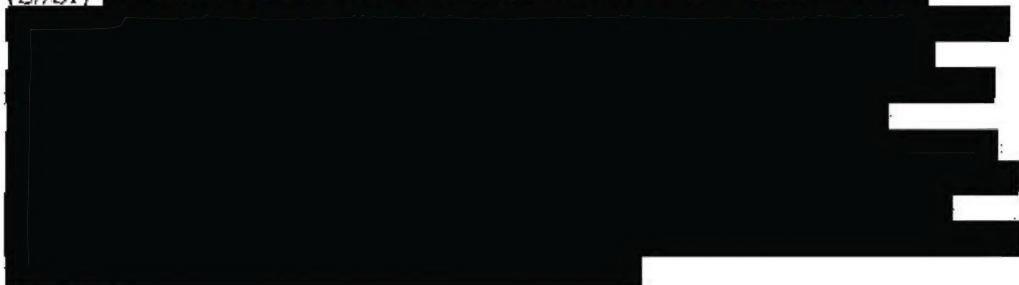
Effectiveness of the NSA Counterterrorism Mission (U)

(U//~~FOUO~~) Our review of the factual findings and record of the Joint Inquiry relating to the National Security Agency determined that:

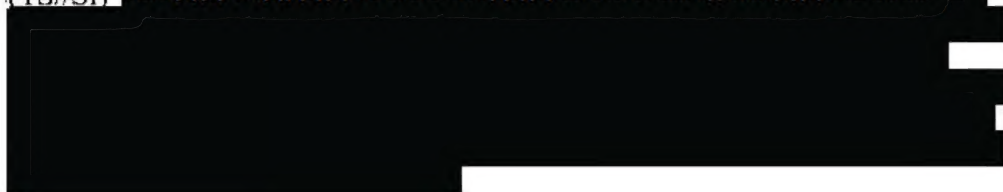
- (S//SI) There was no evidence of any omission, commission, or failure by NSA personnel to meet professional standards for the identification, prevention, or disruption of terrorist attacks, including those of September 11 2001. However, the overall effectiveness of NSA to report ^{NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36} and al-Qa'ida related intelligence information was limited because the NSA counterterrorism mission was inadequately resourced. As a result, the Intelligence Community either did not receive, or did not receive in a timely manner, ^{NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36} and al-Qa'ida related intelligence information, including information that was related to the attacks on September 11, 2001. However, none of the intelligence information specifically identified the time, place, participants, or nature of any terrorist acts including the attacks of September 11, 2001.
- (U//~~FOUO~~) A number of personnel in the Counterterrorism Product Line were recognized for their outstanding performance in fighting terrorism before and after the September 2001 attacks, but none were specifically cited for identifying, preventing, or disrupting terrorist attacks.

The NSA Counterterrorism Mission (U)

(S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



(S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



(S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(TS//SI) In February 1998, Usama bin Laden issued a *fatwa* calling for a holy war against the United States and Israel. In August 1998, Usama bin Laden and al-Qa'ida were implicated in the near simultaneous bombings of the U.S. embassies in Kenya and Tanzania (commonly referred to as the East Africa bombings). Shortly thereafter, the Director of Central Intelligence made Usama bin Laden and al-Qa'ida a Tier 0 target, the highest priority of the Intelligence Community. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(S) In December 1998, the Director of Central Intelligence requested increased attention on Usama bin Laden and directed that the Intelligence Community spare no resources in its efforts against Usama bin Laden and al-Qa'ida. In January 1999, the Interagency Intelligence Committee on Terrorism, Intelligence Requirements Subcommittee also designated the Usama bin Laden network as a Tier 0 target.¹ Tier 0 targets were the highest priority and were defined as terrorist groups that posed a clear and immediate danger to U.S. persons or interests. Action against Tier 0 targets was characterized by an extensive, coordinated effort within the collection, operations, analysis, and production areas.

(U//FOUO) In February 2001, as part of an agencywide transformation to modernize, the Director, NSA created the Signals Intelligence Directorate (SID). Within the SID, the Directorate for Analysis and Production's subordinate elements were the geographic and functional mission product lines. One of these product lines was the Counterterrorism Product Line.

(FO//SI) Also in February 2001, NSA conducted a review of its counterterrorism mission in response to the terrorist bombing of the *USS Cole* and the report by the DoD *USS Cole* Commission. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(TS//SI) While the threat posed by Islamic Extremism and Usama bin Laden and al-Qa'ida was growing, NSA was also working other high priority missions and

¹ (S//SI) The Interagency Intelligence Committee on Terrorism, Intelligence Requirements Subcommittee conducts a quarterly review and update of the Community Counterterrorism Tiers. The Tiers are the framework by which the Counterterrorism Community prioritizes the known international terrorist organizations that present the greatest current or potential threat to the interests of the United States. The Tiers assist organizations with counterterrorism responsibilities to better assign their analytical and collection resources and track the threat posed by terrorist organizations.

² (S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

facing significant challenges. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

Those missions competed for resources at a time when, other than for counterterrorism, resources were declining. During the 1990s, when the NSA budget and manpower resources were reduced by approximately one-third, the world was undergoing a telecommunications revolution greatly increasing the volume of communications.

NSA Counterterrorism Mission Effectiveness (U)

(U//~~FOUO~~) We found no evidence of any omission, commission, or failure by NSA personnel to meet professional standards in identifying, preventing, or disrupting terrorist attacks, including those of September 11, 2001. Instead, the overall effectiveness of the Counterterrorism Product Line was limited because the NSA counterterrorism mission was inadequately resourced. In its report, the Joint Inquiry cited NSA in two factual findings:

- (U//~~FOUO~~) Finding 5.a. [During 1999, the National Security Agency obtained [but did not report] a number of communications--none of which included specific detail regarding the time, place or nature of the September 11 attacks--connecting individuals to terrorism who were identified, after September 11, 2001, as participants in the attacks that occurred on that day.]
- (U//~~FOUO~~) Finding 5.j. [In the period from September 8 to September 10, 2001 NSA intercepted, but did not translate or disseminate until after September 11, some communications that indicated possible impending terrorist activity.]

(U//~~FOUO~~) We concluded that these findings were examples of the limited effectiveness of the NSA counterterrorism mission that occurred because of inadequate resources.

Unreported Communications 1999-2000 (U//~~FOUO~~)

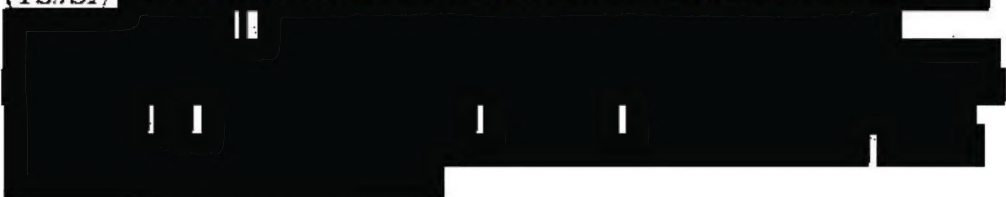
~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

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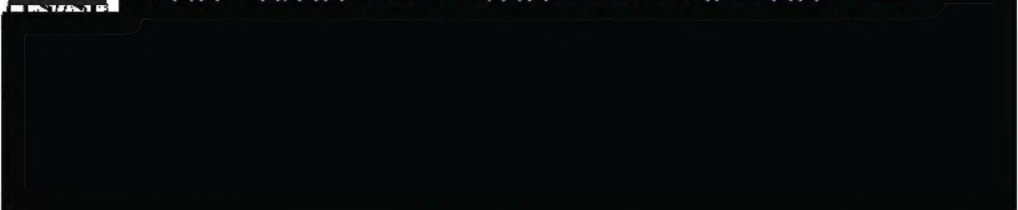
~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

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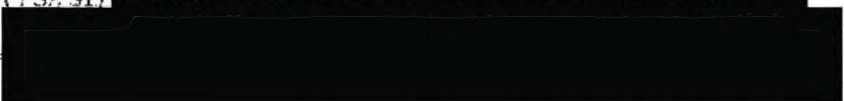
(TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



(TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

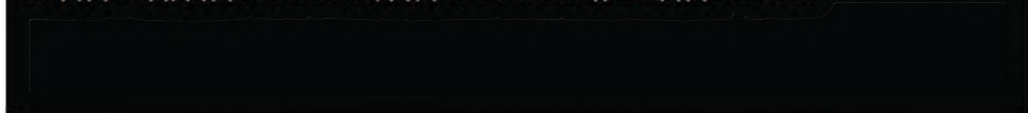


- ² (TS//SI) In NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36 1999, the link between the name "Khaled" (later believed to Khalid al Mihdhar), the full name of Nawaf al Hazmi, and their association with Usama bin Laden and al-Qa'ida.

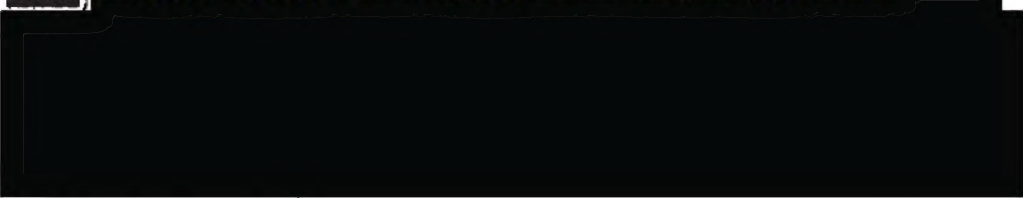
- ⁶ (TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36
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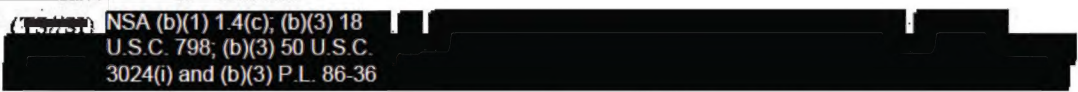
(TS//SI) According to the Joint Inquiry, the NSA rationale for not reporting the content NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36 was that the individuals referenced in the conversations were unknown to NSA analysts and that the subject matter did not meet the NSA-established reporting threshold for foreign intelligence information. Also according to the Joint Inquiry, NSA officials described the reporting threshold as "a product of several factors including the priority of the intelligence topic (for example, threat warnings have the highest priority), the level of customer interest in a particular subject, the perceived value of the information, and the amount of intercept available for analysis and reporting."

NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



(TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



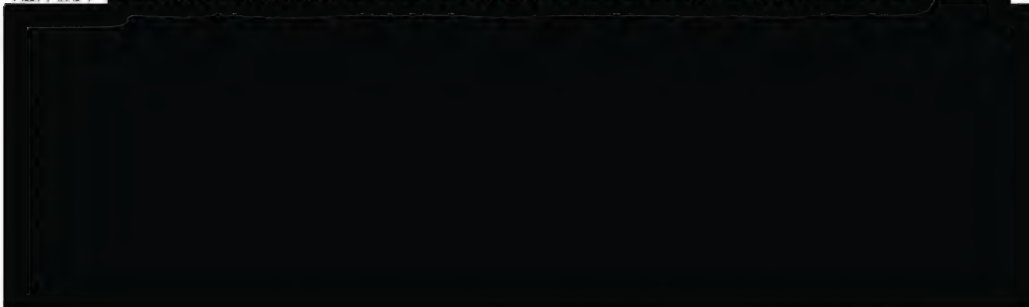
- ³ (TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36
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- ⁴ (U) The transcription process is the rendering of spoken material into a clear, concise, written form (transcript) that accurately reflects the subject matter of spoken material, whether in verbatim, condensed, or summarized format.

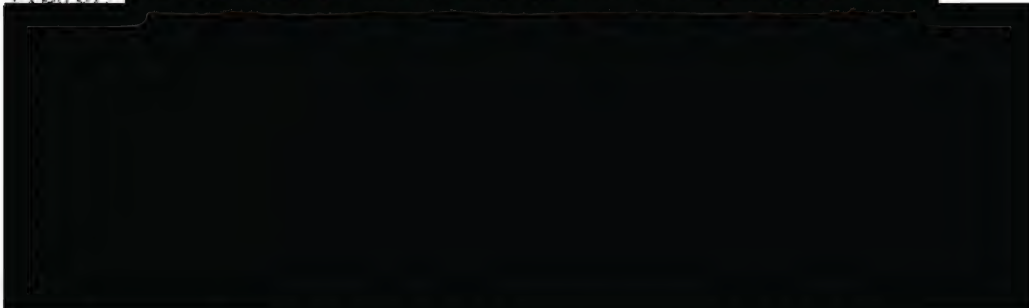
NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



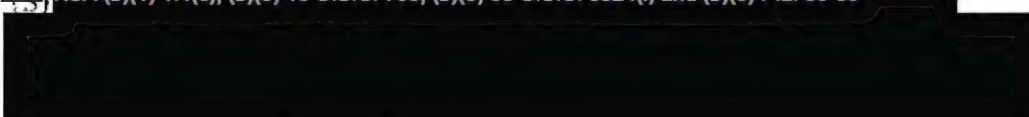
~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



Reporting of Communications September 10, 2001 (U)

~~(TS//SI)~~ **Intercepts Warn of Possible Impending Terrorist Activity.** Early warning is a primary function of intelligence. U.S. Signals Intelligence Directive ~~(TS//SI)~~ states that timely receipt of signals intelligence reporting is crucial if users are to act on the information.

~~(TS//SI)~~ On September 10, 2001, NSA intercepted two communications that the Joint Inquiry concluded indicated possible impending terrorist activity, but NSA did not report the communications until after the terrorist attacks of September 11, 2001. The two communications were reported on September 12,

⁵ ~~(TS//SI)~~ NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

2001 NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

Whether those communications portended terrorist attacks on America is unclear. Although initial NSA analysis indicated that the communications may have been related to the September 11, 2001 attacks, the National Commission on Terrorist Attacks Upon the United States concluded that, based on additional intelligence information, the communications might have been related to a Taliban and al-Qa'ida military offensive in Afghanistan.

(U//FOUO) **Counterterrorism Product Line Resources.** NSA did not report the information in a timely manner because, in September 2001, NSA (b)(3) P.L. 86-36

(C) In March 2001, shortly after the creation of the SID, all the product lines provided senior SID leadership with a baseline review of their activities. All of the products lines, including the Counterterrorism Product Line, reported mission gaps and resource shortfalls. NSA (b)(3) P.L. 86-36

(S//SI) The Counterterrorism Product Line determined that it needed an additional (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36 personnel (to bring its total strength to (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36 personnel) to meet its immediate needs, therefore in March 2001, NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(S//SI) **Period of Heightened Alert Summer 2001.** From May through July 2001, the Counterterrorism Product Line experienced a period of unprecedented activity in which NSA reported at least 33 communications indicating a possible, imminent terrorist attack. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(U//FOUO) NSA (b)(1) 1.7(e); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

NSA (b)(1) 1.7(e); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

NSA (b)(1) 1.7(e); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(S//SI) Collection and Processing NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

The intercepts on September 10 were not scanned until September 11. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

(S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

Success of the NSA Counterterrorism Mission (U)

(U//FOUO) We determined that a number of the personnel working the counterterrorism mission were recognized for their outstanding performance in fighting terrorism before and after the September 11, 2001 attacks; however, according to NSA officials, none were specifically cited for identifying, preventing, or disrupting terrorist attacks.

(U//FOUO) In October 2002, during congressional testimony, the Director, NSA was asked to identify somebody within NSA who was doing extraordinary work relating to the September 11, 2001 attacks. The Director responded that he would "point to the folks in our counterterrorism shop, particularly analysts and linguists that have been working this problem for decades." We agree with the Director's assessment.

(S//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



(S//SI) NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



Conclusion (U)

(U//FOUO) The Joint Inquiry concluded in its factual findings that NSA collected information that was relevant to the September 11, 2001 terrorist attacks, but it either did not report the information or did not report the information in a timely manner. We believe that the relevant Joint Inquiry factual findings were not the result of omission, commission, or professional failure on the part of NSA personnel; they occurred because the NSA counterterrorism mission was not adequately resourced.

(U//FOUO) In an October 2002 statement for the record, the Director, NSA provided his perspective on the issue of resources assigned to the counterterrorism mission, stating:

We were focusing on al Qa'ida. But did we have enough linguists and analysts focused on the problem? Clearly we could have used more; but if these hearings were about a war that had broken out in Korea or a crisis in the Taiwan Straits, if we had been surprised by conflict in South Asia, if we had lost an aircraft over Iraq, or if American forces had suffered casualties in Bosnia or Kosovo--in any of these cases, I would be here telling you that I had not put enough analysts or linguists against the problem. We needed more analysts and linguists across the Agency--period.

(U//FOUO) We made no recommendations on the assignment of resources because NSA and its Counterterrorism Product Line received substantial resources to increase its counterterrorism efforts as part of the Global War on Terrorism after the September 11, 2001 attacks. We did not assess the impact that additional resources have had on the effectiveness of the NSA counterterrorism mission, although such an evaluation will be considered during FY 2006 project planning.

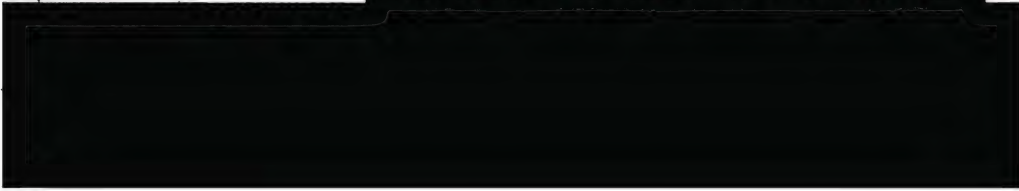
Management Comments on the Finding and Review Response

(U)

(U//FOUO) **Management Comments.** The Chief of Staff for NSA provided comments on the report. NSA "generally agreed" with the report's overall conclusion that the NSA counterterrorism mission was not adequately resourced, and offered additional comments regarding report conclusions, content, and classification.

(U//FOUO) NSA was concerned with the report's conclusion that the Intelligence Community did not receive, or did not receive in a timely manner, information that was "related to the attacks on 9/11" because the NSA counterterrorism mission was inadequately resourced. NSA was concerned that this conclusion could be misconstrued to mean that NSA did not share information that it had about the attacks.

(TS//SI) NSA was also concerned that the report placed too much emphasis on the two September 10, 2001, intercepts as evidence that resource constraints limited the effectiveness of the NSA counterterrorism mission. NSA cited two reasons for its rationale. First, NSA believed that the intercepts should not be "over-emphasized" because the information may not have been related to the September 11, 2001 attacks. NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798, (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



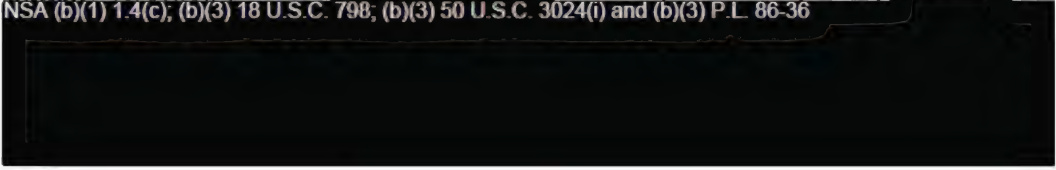
(U//FOUO) **Review Response.** Our report states that NSA did not possess any specific information regarding the time, place, participants, or nature of any terrorist acts including the attacks of September 11, 2001. However, NSA did possess information related to the 9/11 attacks that it collected but did not disseminate regarding the hijackers that executed the September 11, 2001 attacks.

(U//FOUO) We continue to believe that the two September 10, 2001, intercepts were representative of the effect that the lack of resources had on NSA mission effectiveness. The NSA contention that the intercepts should not be "over-emphasized" because the information may not be related to the September 11, 2001 attacks was made with the benefit of hindsight. At the time of interception, NSA did not know whether the intercepts were related to the 9/11 attacks.

(TS//SI) NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798, (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36
According to the National Commission Report, "On August 3, [2001] the intelligence community issued an advisory concluding that the threat of impending al Qaeda attacks would likely continue indefinitely."

(TS//SI) NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798, (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36
The two September 10 intercepts were not

initially screened by NSA ^{NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36} until September 11, 2001.
NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36



Appendix A. Scope and Methodology (U)

(U//FOUO) This review focused on the factual findings of the Joint Inquiry, not the systemic findings, and was limited to NSA because it was the only DoD organization cited in the factual findings of the Joint Inquiry. The Director, NSA is responsible for the production and dissemination of foreign intelligence information derived from signals intelligence, while safeguarding the constitutional rights and privacy of U.S. persons.

(S//SI) The essence of the NSA-related factual findings was that NSA collected information relating to the 9/11 terrorist attacks, but it either did not report the information or did not report the information in a timely manner. To determine the reasons for the Joint Inquiry's conclusion, we examined the day-to-day operations and activities of the NSA Counterterrorism Product Line and its predecessor organizations, and the NSA (b)(1) (b)(3) and its predecessor organizations that were responsible for targeting Usama bin Laden and al-Qa'ida before 9/11.

(U//FOUO) To achieve the objectives, we reviewed more than NSA (b)(3) (b)(1) (b)(3) documents comprising the approximately NSA (b)(3) (b)(1) (b)(3) pages that NSA provided to the Joint Inquiry. Specifically, we reviewed the congressional testimony and statements for the record of NSA, DoD, and Intelligence Community officials. In addition, we received mission-related briefings and demonstrations from NSA officials, and we interviewed NSA officials involved in the counterterrorism mission during the relevant timeframes.

(U//FOUO) We performed this review from June 2004 through March 2005 in accordance with the President's Council on Integrity and Efficiency "Quality Standards for Inspections," January 2005.

(U//FOUO) **Scope Limitations.** The review was limited because access to the complete record of the Joint Inquiry was delayed, restricted, or not realized.

(S) Access to the record of the Joint Inquiry was delayed for 15 months because, other than the Inspector General, no one from the DoD Office of the Inspector General (OIG) was authorized access to the classified version of the Joint Inquiry report until February 2004 because it contained highly classified and special access program information. From December 2002 until February 2004, the OIG coordinated with the Office of the Secretary of Defense and the congressional Intelligence Committees to authorize additional OIG personnel to access the classified version of the report. In February 2004, the Deputy Secretary of Defense approved access for two additional OIG personnel to the special access program. The two additional OIG personnel (the Deputy Inspector General for Intelligence and the project manager) were read-on to the special access program in March 2004 and were subsequently authorized access to the classified version of the report. The OIG personnel reviewed the classified version of the report and determined that the focus of the review would examine performance of NSA only. The review was delayed an additional 4 months until June 2004, when a review team with proper clearances and accesses to NSA became available. As a result, the review was effectively delayed by 19 months.

(C) The review team was restricted from access to the classified version of the report and other relevant documentation because only three OIG personnel (only one being involved in the review on a day-to-day-basis) were approved for access to special access program information. This restriction limited the thoroughness of the review because the remainder of the review team could only use the unclassified, redacted version of the report.

(U//FOUO) We could not gain access to the complete record of the Joint Inquiry, including the records of DoD personnel interviews. In May 2004, we requested access to these records and, in August 2004, the Staff Director of the House Permanent Subcommittee on Intelligence approved our request. Unfortunately, the staff of the House Permanent Subcommittee on Intelligence were unable to honor the request because of their commitments related to intelligence reform legislation and because the records were in the National Archives and not readily available. As a result, the thoroughness of the review was further limited by our lack of access to the records of DoD personnel interviews, including numerous NSA personnel. On October 27, 2004, the Deputy Inspector General for Intelligence, in the interest of report timeliness, decided to conclude the review without gaining access to the records.

Prior Coverage (U)

(U) During the past five years, the National Commission and the Joint Inquiry Commission have issued reports concerning the events of the Terrorists Attacks of September 11, 2001.

National Commission on Terrorist Attacks Upon the United States (U)

The 9/11 Commission Report – Final Report of the National Commission on Terrorist Attacks Upon the United States, July 22, 2004 (U)

U.S. Senate Select Committee on Intelligence and U.S. House Permanent Select Committee on Intelligence (U)

The Joint Inquiry Report – Final Report of the Joint Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001; December 20, 2002 (U)

Appendix B. Report Distribution (U)

(U)

Office of the Secretary of Defense

Deputy Secretary of Defense
Under Secretary of Defense for Intelligence

Other Defense Organization

Director, National Security Agency
Inspector General, National Security Agency

Non-Defense Federal Organization

National Director of Intelligence

Congressional Committees and Subcommittees, Chairman and Ranking Minority Member

Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Select Committee on Intelligence
House Permanent Select Committee on Intelligence

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National Security Agency Comments (U)

Final Report
Reference

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 NATIONAL SECURITY AGENCY
 CENTRAL SECURITY SERVICE
 FORT GEORGE G. MEADE, MARYLAND 20785-6000

MEMORANDUM FOR DEPUTY ASSISTANT INSPECTOR GENERAL FOR
 INTELLIGENCE AUDITS

SUBJECT: (U//FOUO) Review of the Factual Findings and the Record of the
 Joint Inquiry Into Intelligence Community Activities Before And After the Terrorist
 Attacks of September 11, 2001 (Project No. D2004-INT-0101)

(C) Thank you for the opportunity to review and comment on the above-referenced report.
 In response to this review and at the request of DoD OIG, NSA agrees in general with the
 report's conclusion that the Agency's counterterrorism mission was under-resourced.

NSA (b)(1) 1.4(c), (b)(3) 18 U.S.C. 798, (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L.
 86-36

(U//FOUO) NSA is concerned, however, that one conclusion of the report might be
 misconstrued. The report concludes that because NSA's counterterrorism mission was
 inadequately resourced, the Intelligence Community either did not receive, or did not
 receive in a timely manner, information that was "related to the attacks on 9/11."¹ NSA is
 concerned this conclusion might be misconstrued to mean that NSA did not share
 information it had about the attacks themselves. NSA had no such information as to the
 time, place, or nature of the attacks. NSA did have information about individuals who later
 turned out to be 9-11 hijackers -- but their role in the attacks was unknown to NSA prior to
 9-11 at the time the Agency obtained information about them. NSA, therefore, appreciates
 the report's reference on page 5 to the Joint Inquiry's Finding 5.a, because the Joint Inquiry
 correctly stated the facts about what NSA knew and when. The Joint Inquiry stated that
 NSA obtained a number of communications "—none of which included specific detail
 regarding the time, place, or nature of the September 11 attacks—connecting individuals to
 terrorism who were identified, after September 11, 2001, as participants in the attacks that
 occurred on that day." (Emphasis added.)

¹ (U//FOUO) Report, page 3. This conclusion also appears in the Executive Summary on page ii and on page
 5.

Derived From: NSA/CSSM 1-52

Dated: 20041123

Declassify On: 20291123

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Final Report
Reference

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(TS//SI) In addition, NSA believes that the report places too much emphasis on the two 10 September 2001 intercepts as evidence that resource constraints limited the Agency's counterterrorism effectiveness. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

On one level, these intercepts should not be over-emphasized because, as the report notes, the staff of the 9-11 National Commission found this information may not have been connected to 9-11 at all; additional later evidence suggested this information was connected with the opening of the Taliban and al-Qa'ida military offensive in Afghanistan against the Northern Alliance following on the 9 September 2001 al Qa'ida assassination of the Northern Alliance's leader. Moreover, the intercepts contained little specific information about where, when, or how an attack might have taken place.

(TS//SI) NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

[REDACTED]

NSA does not dispute the report's assertion that lack of resources challenged its counterterrorism mission and that more resources probably would have resulted in a faster turn-around of the 10 September information. NSA would liked to have seen a more complete discussion of steps the Agency took to perform exceptionally well under difficult resource constraints.

(TS//SI) NSA requests that the classification on the following paragraphs be corrected:

1. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

2. Page 3. The heading, "Effectiveness of the NSA Counterterrorism Mission," should be marked "(U)" as it is in the Table of Contents.

3. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

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Classification markings revised with the exception of item 6 that is noted.

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4. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

5. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

6. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

7. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

8. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

9. NSA (b)(1) 1.4(c); (b)(3) 18 U.S.C. 798; (b)(3) 50 U.S.C. 3024(i) and (b)(3) P.L. 86-36

10. Page 15. The contents of this page should be marked "(U)." This is consistent with similar information on page 16.

(U) If you have any questions or need additional information, please contact NSA (b)(3) P.L. 86-36 or DOD/OIG (b)(6)

Maria N. O'Connor
MARIA N. O'CONNOR
CHIEF OF STAFF

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(U)

Team Members

The Department of Defense Office of the Deputy Inspector General for Intelligence prepared this report. Personnel of the Department of Defense Office of Inspector General who contributed to the report are listed below.

Thomas Gimble
Shelton Young

DODIG (b)(6)



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